

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-3359

United States of America,

Appellee,

v.

Ronnie W. Lane,

Appellant.

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* Appeal from the United States

* District Court for the

* Eastern District of Missouri.

* [UNPUBLISHED]

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Submitted: October 25, 2001

Filed: October 30, 2001

Before WOLLMAN, Chief Judge, HANSEN, and MORRIS SHEPPARD ARNOLD,
Circuit Judges.

PER CURIAM.

Ronnie W. Lane pleaded guilty to attempting to manufacture methamphetamine, in violation of 21 U.S.C. § 846, and the district court¹ sentenced him to 151 months' imprisonment and three years' supervised release. On appeal, his counsel has filed a brief and moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), and Lane has filed a pro se supplemental brief.

¹The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.

We will not entertain Lane's pro se argument that his guilty plea was not knowing and voluntary, because he withdrew below his motion to set aside his guilty plea. See United States v. Murphy, 899 F.2d 714, 716 (8th Cir. 1990) (claim that guilty plea was involuntary must first be presented to district court and is not cognizable on direct appeal). We also will not entertain counsel's argument about the propriety of Lane's career-offender status, because Lane knowingly and voluntarily waived the right to challenge his sentence on direct appeal. See United States v. Morrison, 171 F.3d 567, 568 (8th Cir. 1999) (appeal waiver enforcement). Further, the ineffective-assistance-of-counsel claims Lane wishes to bring are not properly before us in this direct appeal. See United States v. Embrey, 250 F.3d 1181, 1183-84 (8th Cir. 2001).

Having reviewed the record independently in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues. The judgment is affirmed, and counsel is granted leave to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.